

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

**DON EUGENE SIEGELMAN,
PAUL MICHAEL HAMRICK,
GARY MACK ROBERTS, and
RICHARD M. SCRUSHY**

CRIMINAL NO. 2:05-CR-119-MEF

**UNITED STATES' RESPONSE TO DEFENDANT HAMRICK'S MOTION FOR
PRETRIAL HEARING TO DETERMINE THE ADMISSIBILITY OF
CO-CONSPIRATOR STATEMENTS**

COMES NOW the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and Andrew C. Lourie, Acting Chief of the Public Integrity Section of the Criminal Division of the United States Department of Justice, and hereby files its Response to Defendant Hamrick's Motion for Pretrial Hearing to Determine the Admissibility of Coconspirator Statements (hereinafter, the "Motion"). In the Motion, Defendant Hamrick makes arguments and requests relief strikingly similar to the arguments made and relief sought by the other Defendants in their motions (variously styled) for a James pre-trial hearing and the exclusion of co-conspirator statements, Doc. #124, #128, and #141. The United States has fully responded to these arguments in its previously filed Response, Doc. #161 (the "Original Response"), and incorporates by reference the Original Response as though fully set forth herein.

Based on the arguments and authorities cited in the Original Response, this Court should deny the Motion.

Respectfully submitted this the 6th day of March, 2006

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

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